

Planning
Midlothian Council
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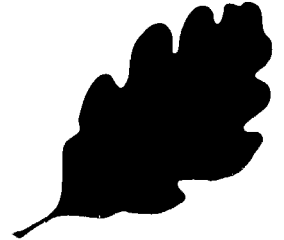
Director
Ian L Young

Midlothian

#44

1 April 2008

Development Management Consultation
Planning Directorate
Scottish Government
2H Victoria Quay
Edinburgh
EH6 6QQ



Dear Sir

Modernising the Planning System: Development Management Consultation

At the meeting of Midlothian Council Cabinet today the attached Appendix was agreed as this Council's response to the above consultation paper.

The Cabinet welcomed the consultation paper, and the opportunity to provide views on the questions posed.

Midlothian Council is content that the attached response is made available to the public, and that the information is shared internally with other Scottish Government policy terms.

If you wish to contact Midlothian Council in future in relation to this consultation response, please contact Joyce Learmonth, Principal Planning Officer (0131 271 3311).

Yours faithfully

Joyce Learmonth
Principal Planning Officer

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Appendix 1

- Q1. Do you agree with the proposed categories of development to which the requirements for pre-application consultation apply?

Yes, the categories of development which require pre-application consultation appear to be reasonable although as the Council stated in connection with the consultation on Hierarchy, the threshold for Major developments should be lower for housing at 75 not 100 units.

- Q2. Do you have any comments on the thresholds in Schedule 1 of the DMR on pre-application consultation?

No comments, the thresholds seem appropriate.

- Q3. Is the information in a required pre-application screening notice sufficient?

It seems sufficient.

- Q4. Is 21 days a reasonable period for authorities to respond to a pre-application screening notice in all circumstances?

21 days would seem to be a sufficient period for response by the local authority.

- Q5. Do you agree with the proposed content of the proposal of application notice?

Yes, it seems adequate.

- Q6. Are the requirements to notify community councils and neighbours of the proposal of application notice sufficient or should others be notified at this stage as a statutory minimum?

Notification of these parties would appear adequate.

- Q7. Do you agree with the minimum statutory requirement for pre-application consultation in regulation 8?

Perhaps a public exhibition with written comments prior to the public meeting would allow an Agenda for the public meeting to be set. This would allow appropriate time and priority could be given to the public's main concerns.

- Q8. Do you agree with the requirement on the content of pre-application reports?

Yes, the proposed content of the reports seems reasonable.

- Q9. Do you support the classes of development which will be subject to pre-determination hearings?

Yes, the classes of development identified seem reasonable.

- Q10. Should the opportunity to be heard at a pre-determination hearing be extended to other parties beyond those who made representations?

The only parties that may be appropriate are consultees however it may not be practical for them to attend pre determination hearings.

- Q11. What requirement would need to be made to convene full councils to make these decisions?

Currently, all of Midlothian Council Members sit on the Council's Planning Committee.

- Q12. Do you support the view that processing agreements should be in place before submission of the application?

Yes, see response to Q13

- Q13. Do you agree that where there is to be a processing agreement that it should be entered into not later than 28 days after validation?

It should be in place before the application is submitted otherwise the making of the agreement reduces the time for dealing with the application.

- Q14. Do you agree with the suggested components of a processing agreement?

They seem reasonable.

- Q15. Do you agree that the sole parties signing the processing agreement should be the planning authority and the applicant, or do you think there is scope for statutory consultees to also sign the agreement?

Whilst in some instances it would probably be more thorough to include statutory consultees it would make the agreement more complex, particularly on matters such as penalties for delay etc

- Q16. Do you support the proposed approach to Planning Permission in Principle and approval of matters specified in conditions?

Yes, it does appear to be a fairer way of considering matters covered by condition and gives interested parties an opportunity to comment. The concern is that with pre-start conditions further objection may cause delay It would make the process more transparent.

- Q17. Do respondents consider the approach to the content of planning applications to be appropriate or are any of the other options in paragraph 5.3 preferable?

The Council do not agree to the approach being taken regarding the content of planning applications. If the aim is to streamline the process and make the planning system more transparent then all three of the options have a role to play in frontloading the application process and ensuring all information required at the beginning of the process is of an appropriate standard and is available for public comment .Stopping the clock gives a more realistic perception of how long local authorities take to deal with an application.

- Q18. What other measures could help to ensure that applications are supported by adequate information at the start of the planning process whilst still encouraging efficiency in the development management system?

If all three options are taken on board as described above the only other thing would be a justification from the developer in terms of development plan policy for developments other than those of a domestic scale.

- Q19. Do respondents consider that the draft regulations on the content of applications for Planning Permission in Principle are pitched at an appropriate level of information?

Yes, they seem to be pitched at an appropriate level.

- Q20. Do respondents consider that the requirements on content of applications are sufficiently clear to allow validation to be a relatively straightforward administrative check?

The information on the contents of this information seems quite clear however as the check at validation stage is administrative only the quality of submission may not be of a high enough standard leading to a delay which is not in the control of the local authorities.

- Q21. Do you have a view on the two options on the range of applications to be accompanied by a design and/or access statement?

The threshold of major applications may be too high in that other applications of a more minor nature may have significant impacts in terms of design or access.

- Q22. In addition to those considered in the options, in what circumstances might statements consider only one element – design or access?

No comment to make on this issue.

- Q23. How can access panels be used most effectively in considering design and access?

A local access forum which meets regularly to consider proposals and liaises with the local authority through a nominated representative. The forum can also interact as a body with the planning authority on generic issues of access.

- Q24. Do you consider that there is sufficient clarity in the regulations to allow for effective and timeous validation of applications where design and/or access statements are required?

See response to Q20.

- Q25. What role can local authority access officers play in accessing element of statements?

Depending on the assessment guidance that is produced the level of input could vary, however an in house expert could be useful for clarification on specific issues that arise.

- Q26. What information do planning authorities and communities need to ensure a thorough and robust assessment of the design and access statement?

Design statements should consider the design concept in relation to the local context. Access statements should consider access to the boundary of the site and to connect to existing access routes and their location and condition.

- Q27. Do you consider the proposals on service of notice to neighbours to be appropriate?

Yes, it seems appropriate.

- Q28. Do you agree that, in order to minimise costs and potential delay, a single notice sent to the address of the neighbouring land is sufficient for these purposes?

Yes, it seems reasonable to have a single notice.

- Q29. Is the proposed approach to keeping people informed of PPP and approval of matters specified in conditions appropriate?

Yes, it seems appropriate. Only comment is if person has moved away is there a requirement to notify the representors' property?

- Q30. Do you support the proposed definition of neighbouring land?

The definition of neighbouring properties is unclear. Is the measurement 20 metres from the site boundary? Are roads to be treated in the same way as currently? It is probably better not to give the local authority discretion with neighbour notification but rather ensure the definition is sufficiently robust to ensure all appropriate neighbours are notified. The definition should also be sufficiently clear to ensure easy interpretation and to avoid challenge from those not notified. Such challenge could have substantial resource implications for local authorities.

- Q31. Do you consider the proposals concerning the use of site notices and of local advertisements to be appropriate?

Site notices are to become supplementary to other forms of publicising applications and this seems appropriate. It may be that advertising a list of all applications received that week may be the most appropriate way of ensuring the public are aware of the submission of planning applications.

Q32. Do respondents support the proposed requirements on notifying owners and agricultural tenants and the placing of local advertisements in this regard?

Yes, the requirements seem appropriate.

Q33. Are you content with the Scottish Government's proposals for the public availability of the list?

Yes, the Council is content with the proposed availability.

Q34. Is the advertisement of the availability of the list in a local newspaper on a monthly basis appropriate?

Yes however, an alternative is that a footnote indicating its availability could be put at the end of the applications advertised each week in the local paper.

Q35. Do respondents have any views on the list of statutory consultees and the criteria for consultation?

The only comment is that consultations with Historic Scotland perhaps need to be reconsidered. They tend to be time consuming and could be streamlined.

Q36. Do respondents consider it appropriate to extend the statutory period for determining an application for national and major development to 4 months?

Yes the extended time period is appropriate.

Q37. Is the level of information to be provided in the decision notice appropriate?

Yes, the level of information is appropriate,

Q38. How should planning authorities best manage the potential burden of ensuring those who made the representations are advised of the decision?

If there are up to 75 objections to a single application then each representor should be notified however if there are more a notice on the Councils website should be sufficient.

Q39. Is the information to be contained in the report of handling appropriate in order to provide a robust summary of how the application had been dealt with and the reasons behind the planning authority's decision?

Yes, it seems appropriate.

Q40. Can existing Committee reports, where available, be easily adapted to incorporate the proposed statutory requirements in paragraph 4 of Schedule 4?

Yes adaptation of Committee Reports seems quite straightforward.

Q41. What might be an appropriate alternative name for “bad neighbour development”?

‘ Development of Significant Interest to Neighbours ’

Q42. Do you support the proposed additions and deletions to the list of “bad neighbour developments” and do you have other suggestions?

Generally the list seems appropriate however I am not sure that skateboard parks should be included, there have been some locally in Midlothian which have generated no objections.

Q43. Are there any other uses which you consider should also be subject to controls on increases in gross floorspace?

Perhaps this should be extended to buildings which are used for industrial or business uses. The concern is that parking provision is not appropriate and resultant on street parking may cause road safety concerns.

Q44. Do you support our proposal to have different approaches depending on whether other increases in the internal floorspace have taken place?

The approaches seem appropriate but if this was the only change to a building then there may not be any planning history.

Q45. Do you consider that 200 square meters is an appropriate level to help achieve the objectives of helping protect town centres?

Not sure that allowing 200 square metres of additional floorspace should be permitted development. A more appropriate and helpful approach to existing town centres is that any increase in floorspace requires permission.

Q46. For the purpose of controlling internal floorspace, do you support the decision to use amounts in square meters rather than a percentage?

A maximum floor area is easier to administer than a percentage however the response to Q45 should be referred to as the Council’s response.

Q47. Are there any potential impacts on business or voluntary sections that we should be aware of in finalising the regulations or the order?

See response to Q47.

Q48. Are there any potential impacts on particular societal groups that we should be aware of in finalising the regulations or the order?

In response to Q47 and 48, business and voluntary sectors and societal groups are being consulted and are best placed to respond to these questions. The Council is not aware of any potential impacts on these sectors or groups the Government should be aware of in finalising the regulations.

Q49. Do you have any other comments to make on the draft development management regulations or the mezzanine floors order?

The Council has no other comments to make on the draft development management regulations or the mezzanine floors order.